

Office of the Attorney General



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Reply to:  
Consumer Advocate and Protection Division  
Post Office Box 20207  
Nashville, TN 37202

November 21, 2003

Honorable Deborah Taylor Tate  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

IN RE: *UNITED CITIES GAS COMPANY, a division of ATMOS ENERGY  
CORPORATION INCENTIVE PLAN ACCOUNT (IPA) AUDIT,*  
Docket No. 01-00704

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate's Request for Disposition of United Cities Gas Company's Motion To Disqualify Witness in regards to Docket No. 01-00704. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615) 741-3533. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy C. Phillips".

**TIMOTHY C. PHILLIPS**  
Assistant Attorney General

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>UNITED CITIES GAS COMPANY, a Division of</b>	)	<b>DOCKET NO.</b>
<b>ATMOS ENERGY CORPORATION</b>	)	<b>01-00704</b>
<b>INCENTIVE PLAN ACCOUNT (IPA) AUDIT</b>	)	

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**CONSUMER ADVOCATE'S REQUEST FOR DISPOSITION OF UNITED CITIES GAS  
COMPANY'S MOTION TO DISQUALIFY WITNESS**

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Comes now Paul G. Summers, the Tennessee Attorney General and Reporter, through the Consumer Advocate and Protection Division ("Consumer Advocate"), and respectfully requests disposition of United Cities Gas Company's Motion To Disqualify filed May 14, 2002.<sup>1</sup> The matter has been briefed by each side. The original grounds asserted by United Cities Gas, now Atmos Energy, which were tenuous at best, have been adequately refuted in the response of the Consumer Advocate.

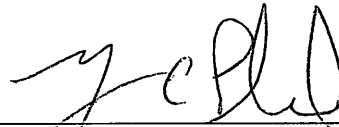
Further, the motion is now moot. It is an undisputed fact that Dan McCormac is no longer employed by the Tennessee Regulatory Authority ("TRA"). Having left the employment of the agency, he is free to participate fully as an exceptional employee of the Office of the Tennessee Attorney General and servant of the citizens of Tennessee. Moreover, his previous employment by the TRA does not present any barrier to such participation.<sup>2</sup>

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<sup>1</sup> The Consumer Advocate appreciates the leave granted the parties for settlement talks. However, at this point, it is appropriate that discovery be completed and this matter be set for hearing. In order to consider an appropriate schedule, it is important that the status of Mr. McCormac as a witness be resolved.

<sup>2</sup> The Hearing Officer's exclusion of Mr. McCormac from working on this matter while employed at the TRA makes the decision on this matter quite clear. With regards this docket, Mr. McCormac's employment at the TRA is not relevant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. C. Phillips', written over a horizontal line.

TIMOTHY C. PHILLIPS, B.P.R. #12751

Assistant Attorney General

Office of the Attorney General

Consumer Advocate and Protection Division

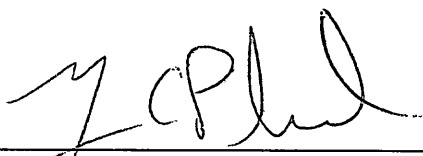
(615) 741-3533

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2003, a true and exact copy of the foregoing document has been mailed, first class U.S. postage prepaid, and faxed to the following:

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Baker, Donelson, Bearman & Caldwell, P.C.  
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Tennessee Regulatory Authority  
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Nashville, Tennessee 37243-0505



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Timothy C. Phillips  
Assistant Attorney General

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